

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHYANN NICOLE COON,
EMILY LOUISE COON, MADISON COON, and
MCKENZIE COON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KELLY SUE BAST and GREG JOSEPH COON,

Respondents-Appellants.

UNPUBLISHED
April 14, 2005

No. 257879
Isabella Circuit Court
Family Division
LC No. 00-002275-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal conditions that led to adjudication were that respondents' home was cluttered and unsanitary, two of respondents' older children¹ had missed excessive days of school, and respondents had previously had significant contact with protective services because of improper supervision, substance abuse, and their inability to provide appropriate housing. Although respondents were provided with many services during the two years this case was pending, most of the conditions that led to adjudication continued to exist. Respondent mother was still having substance abuse problems, respondents did not have adequate housing for all of their children, respondents did not participate fully in the case service plan and did not make sufficient progress for the children to be returned home, and two older children continued to have attendance problems at school and were failing classes as a result. The evidence also established there was no reasonable likelihood that the conditions would be

¹ Respondents' parental rights to three older children were not terminated because the trial court found that it was not in these children's best interests to terminate their parents' parental rights.

rectified within a reasonable time considering the ages of the minor children at issue in this case, who were six months to five years old. Although respondents argue that they had made progress and should have been given at least the full six months of the initial contract with the WRAP Around program to demonstrate progress, the trial court considered all of the evidence presented at trial but did not find the progress made by respondents to be compelling. Their counselor testified that it would take a very long time, if ever, for respondents to make the changes necessary to adequately parent the minor children. Respondents were not always honest with the various workers providing services to them, including the WRAP Around team members, and did not inform them they were facing an eviction notice. Although respondents could not pay their rent, they spent money at the casino and on cigarettes rather than providing for the basic needs of their children.

The same evidence establishes that respondents had not provided proper care or custody and would not be able to do so within a reasonable time. Respondents had not made progress despite years of intervention and a great deal of assistance. Accordingly, the trial court did not err in terminating respondents' parental rights.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder